

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/S Summit Ave., 175 ft. SW
of c/l Kriel Street * ZONING COMMISSIONER
1932 Summit Avenue
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District
Douglas P. Shuman, Sr., et ux * CASE No. 95-189-SPH
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1932 Summit Avenue in the Woodlawn section of Baltimore County. Relief is requested to approve the use of the subject property as a nonconforming use for two apartments. The Petition is filed by Douglas P. Shuman, Sr., and Patti L. Shuman, his wife, property owners. The subject property and requested relief is more particularly shown on the Petitioners' Exhibit No. 1, the site plan.

Appearing at the requisite public hearing held for this case was the aforementioned Petitioner, Douglas P. Shuman, Sr.. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is .25 acres in area and is zoned D.R.5.5. The subject property is located on Summit Avenue not far from the major intersection of Woodlawn Drive and Windsor Mill Road. The property is 50 ft. wide and approximately 220 ft. deep. It is improved with a 2-1/2 story framed dwelling in which is contained two apartments. One of the apartments is on the first floor and the other apartment is on the second floor. The site is served by public sewer and public water. The site plan also shows a floor plan for both apartments. Each apartment contains a kitchen, bathroom and other living areas.

The Petitioner presented an affidavit from a long time resident of the locale; namely, Betty L. Reynolds. Mrs. Reynolds has lived next door to the subject property since February of 1950. Her affidavit indicates that the property has been used as a two apartment dwelling continuously since she

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

1/10/95
M. Shuman

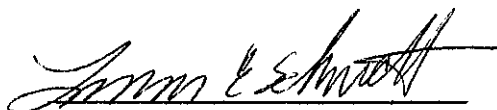
moved next door. A nonconforming use is defined within Section 101 of the Baltimore County Zoning Regulations (BCZR) and such uses are regulated by Section 104 of the BCZR. Essentially, a nonconforming use designation is a mechanism to allow an otherwise illegal use to continue, if the same use existed prior to the adoption of the ordinance which prohibits same. Moreover, it is required that the use cannot be abandoned or discontinued.

The testimony and evidence offered in this case was uncontradicted and is clear. The use of the property as a two apartment dwelling is clearly nonconforming and such status for this property should be designated. The testimony as contained within Mrs. Reynolds' affidavit is uncontradicted and is consistent with the character and similar uses in this long established community. Therefore, the Petition for Special Hearing will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of January, 1995 that, pursuant to the Petition for Special Hearing, approval, from Section 101 of the Baltimore County Zoning Regulations (BCZR), for the nonconforming use of the subject dwelling as two apartments, be and is hereby GRANTED subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORIGINAL RECEIVED FOR FILING

1/10/95
By 

RECORDED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 9, 1995

Mr. and Mrs. Douglas P. Shuman, Sr.
108 Kipling Court
Abingdon, Maryland 21009

RE: Case No. 95-189-SPH
Petition for Special Hearing
Location: 1932 Summit Avenue, Woodlawn

Dear Mr. and Mrs. Shuman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restriction, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to be "L. E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.





Petition for Special Hearing

95-189-SPH

to the Zoning Commissioner of Baltimore County

for the property located at

1932 Summit Avenue (21207)

which is presently zoned

D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the non-conforming use of this dwelling as 2 apartments.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Douglas P. Shuman, Sr.

(Type or Print Name)

Douglas P. Shuman Sr
Signature

Patti L. Shuman

(Type or Print Name)

Patti L. Shuman
Signature

108 Kipling Ct. 410-569-3031

Address

Phone No.

Abingdon, MD

21009

City

State

Zipcode

Name, Address and phone number of representative to be contacted:

Same

Name

Address

Work: 410-944-8560

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

75

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: [Signature]

DATE

11-18-94



MICROFILMED



185



200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21286
(410) 828-9060

95-189-SPH

185

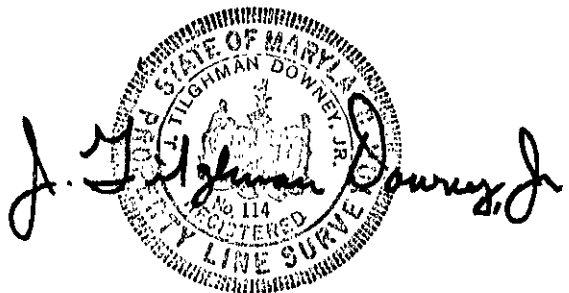
NOV. 15, 1994.

ZONING DESCRIPTION FOR 1932 SUMMIT AVENUE, 21207.

Beginning at a point on the Northwest side of Summit Ave. which is forty feet wide at the distance of 175'-Southwest of the centerline of Kriel Street which is fifty feet wide.

Being Lot # 176, in the subdivision of Broadacres as recorded in Baltimore County Plat Book #5, Folio #44, containing 11,000 sq. feet.

Also known as 1932 SUMMIT AVENUE and located in the 2 Election District, 2 Councilmanic District.



J. Tilghman Downey, Jr.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-189-SPH

District: 2nd Date of Posting: 12/2/94

Posted for: Special Hearing

Petitioner: Douglas P. & Patti L. S. human

Location of property: 1932 Summit Ave, Nw/s

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 12/9/94
Signature

Number of Signs: 1



00663 007-11 000000

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Dec. 2, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 1, 1994

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

~~Publication~~

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #85-189-SPH
(Item 185)

1932 Summit Avenue
NW/8 Summit Avenue
175' SW of 61 Kriel Street
2nd Election District
2nd Councilmanic
Legal Owner(s):

Douglas P. Shuman, Sr.
and Pat L. Shuman
Hearing: Wednesday
December 21, 1994 at
10:00 a.m. in Rm. 118, Old
Courthouse.

Special Hearing to approve
the non-conforming use of this
dwelling as 2 apartments.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible for special ac-
commodations. Please Call
887-3359.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
12/068 December 1.



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-189-SPH

Account: R-001-6150

Date 11-18-94

Item Number 185

Taken in by: [Signature]

030 ——— Special Hearing (Residential) Filing fee — \$ 50.⁰⁰

080 ——— Sign & Posting ——— 35.⁰⁰

Total ——— \$ 85.⁰⁰

RECEIVED

0360310146MICIRC

\$85.00

BA 0009154AM11-18-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 185

Petitioner: Douglas & Patti Shuman

Location: 1932 Summit Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Douglas P. Shuman

ADDRESS: 108 Kipling Ct.

Abingdon Md. 21009

PHONE NUMBER: 410-569-3031

AJ:ggs

RECEIVED

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
December 1, 1994 Issue - Jeffersonian

Please forward billing to:

Douglas P. Shuman, Sr.
108 Kipling Court
Abingdon, Maryland 21009
410-944-8560

Post-It™ Fax Note 7671

| | |
|-----------------|------------------|
| Date | # of pages ▶ 5 |
| To JEFFERSONIAN | From GWEN |
| Co./Dept. LEGAL | Co. ZADM |
| Phone # | Phone # 887-3391 |
| Fax # 296-2707 | Fax # 887-5708 |

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

OR

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-189-SPH (Item 185)

1932 Summit Avenue

NW/S Summit Avenue, 175' SW of c/l Kriel Street

2nd Election District - 2nd Councilmanic

Legal Owner(s): Douglas P. Shuman, Sr. and Patti L. Shuman

HEARING: WEDNESDAY, DECEMBER 21, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the non-conforming use of this dwelling as 2 apartments.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 28, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-189-SPH (Item 185)

1932 Summit Avenue

NW/S Summit Avenue, 175' SW of c/l Kriel Street

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HEARING: WEDNESDAY, DECEMBER 21, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the non-conforming use of this dwelling as 2 apartments.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Douglas and Patti Shuman

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/05/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: DOUGLAS P. SHUMAN, SR. & PATTI L. SHUMAN

LOCATION: NW/S SUMMIT AVE., 175' SW OF CENTERLINE KRIEL ST.
(1932 SUMMIT AVE.)

Item No.: 185

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED

DEC 7 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F


cc: File

RECEIVED



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 5, 1994
Zoning Administration and Development Management

FROM:  Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 5, 1994
Item No. 185 ✓

The Developers Engineering Section has reviewed the subject zoning item. The issue of parking needs to be adequately addressed.

RWB:sw

MICROFILMED

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration and
 Development Management

DATE: November 30, 1994

FROM: Pat Keller, Director
 Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 178, 179, 180, 181, 182, 183, 185, 187, 188 and 189

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Pat Keller

PK/JL



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

11-25-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109

111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTN: MRS. JOYCE WATSON

Re: Baltimore County

Item No.: \$105 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

January 12/21

| | | |
|---------------------------------------|---|---------------------|
| RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| 1932 Summit Avenue, NW/S Summit Ave., | | |
| 175' SW of c/l Kriel Street, 2nd | * | ZONING COMMISSIONER |
| Election Dist., 2nd Councilmanic | | |
| | * | OF BALTIMORE COUNTY |
| Patti L. and Douglas P. Shuman, Sr. | | |
| Petitioners | * | CASE NO. 95-189-SPH |
| * * * * * | | |

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1994, a copy of the foregoing Entry of Appearance was mailed to Douglas P. Shuman, Sr. and Patti L. Shuman, 108 Kipling Court, Abingdon, MD 21009, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Betty L. Reynolds
AFFIANT (Handwritten Signature)

Betty L. Reynolds
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 1932 SUMMIT AVE has been occupied as a Two apartment dwelling since (two, etc.)

Feb., 1950? I MOVED INTO NEXT DOOR
(month) (year) (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since Feb, 1950, 1950? SAME
(month) (year) (answer)

3. Will you realize any gain from the sale of this Property? NO
(answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

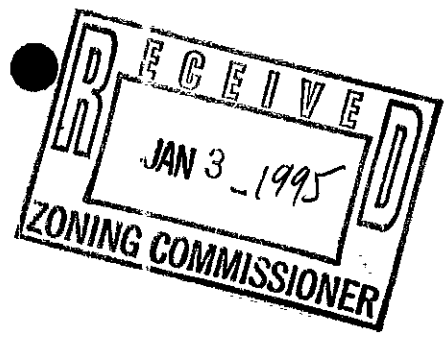
I HEREBY CERTIFY, this 28th day of December, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared _____, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Pat Alin
NOTARY PUBLIC

My Commission Expires: 7/12/98

MICROFILMED



Larry Schmidt
Zoning Commissioner of Baltimore Co.
400 Washington Avenue, Room 112
Towson, Maryland 21204

December 29, 1994

re: Special Hearing-Case No. 95-189-SPH(Item 185)

Commissioner:

Please review and accept the enclosed affidavit with regards to the above case number. You may recall that I could not find this document at the time of my hearing on December 21st. The original seems to be lost and I have secured this replacement.

If for any reason you may need to contact my witness, I am providing the following information on Betty Reynolds, who has lived across the street from said property for many years. This is her address and phone number:

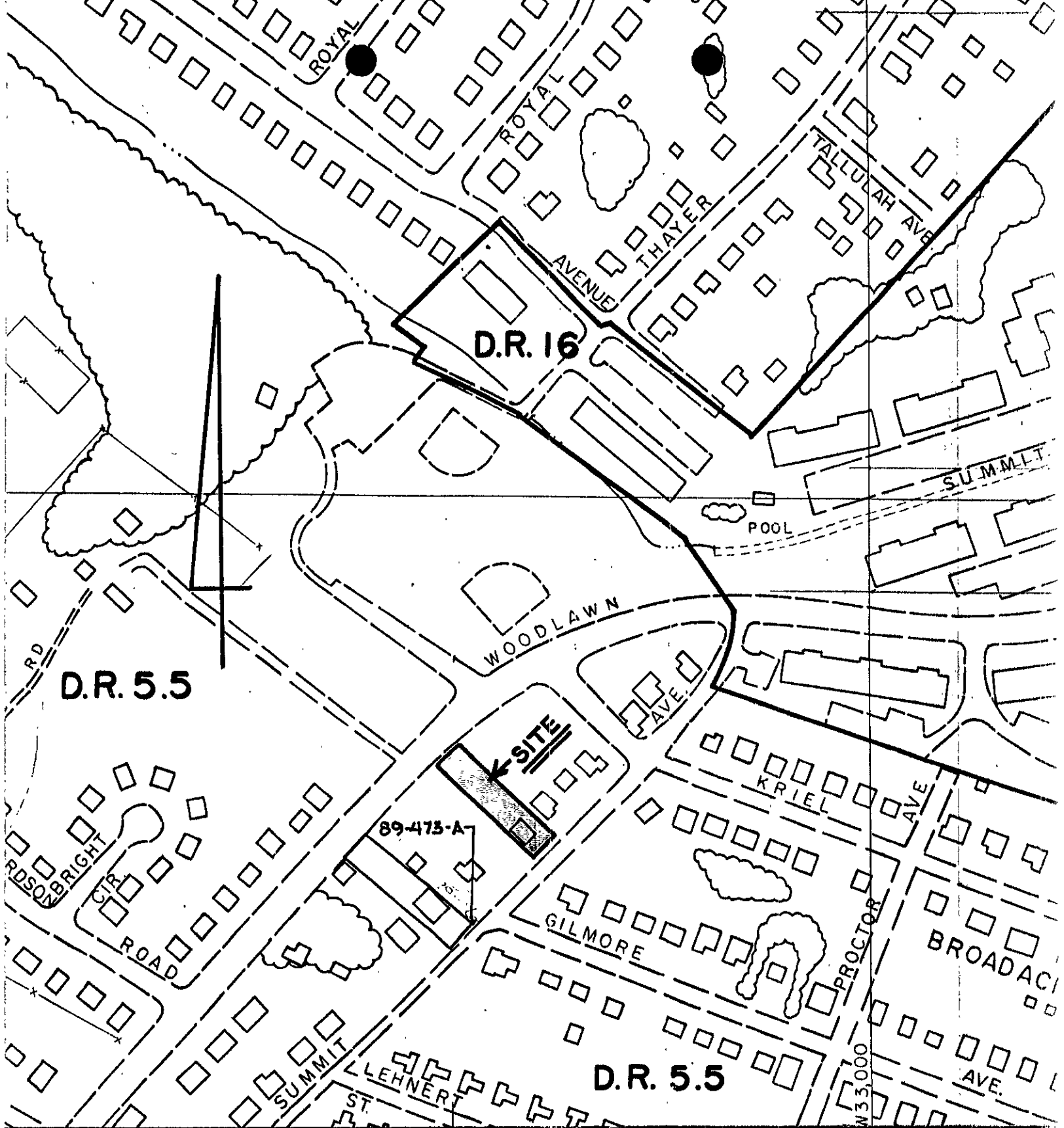
Betty Reynolds
6516 Gilmore Road
Woodlawn, MD 21207
(410)944-7383

Thank you for your assistance in the matter. If there is anything else that I can do, please notify me.

Sincerely,

Douglas P. Shuman, Jr.
Douglas P. Shuman, Jr.

RECEIVED
JAN 3 1995
ZONING COMMISSIONER



M&H DEVELOPMENT
ENGINEERS, INC.

200 East Joppa Road
Room 101, Shell Building
Towson, Maryland
828-9060

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY

JAN.
1986

LOCATION

MICROFILMED
WOODLAWN #185

95-189-SPH

SHEET

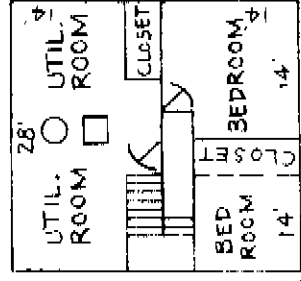
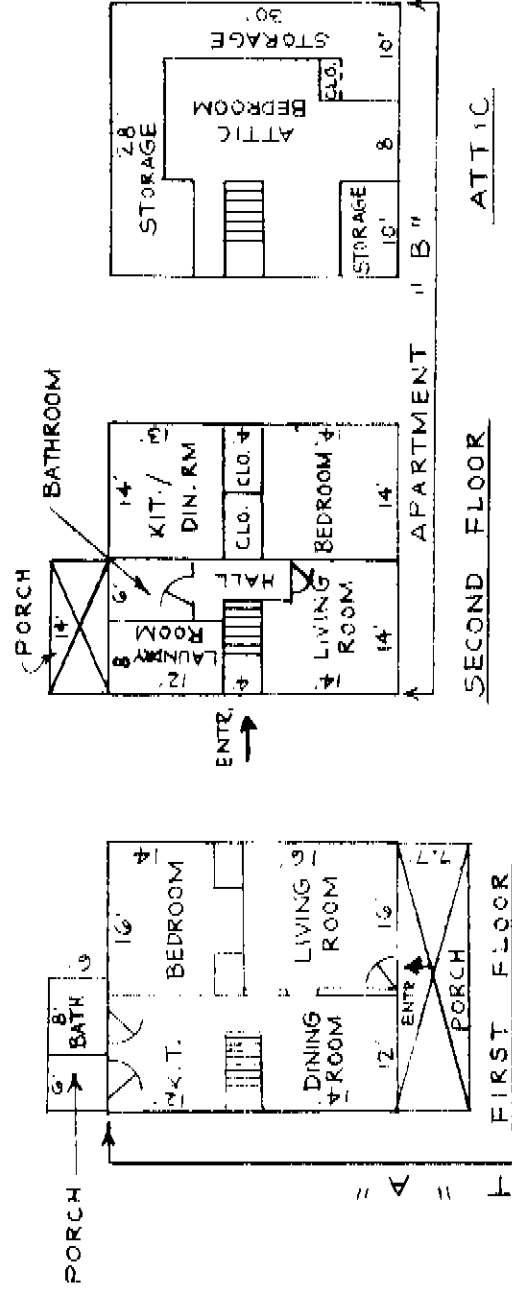
N.W.
3-F

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING

PROPERTY ADDRESS : 1932 SUMMIT AVENUE
SUBDIVISION NAME : "BROADACRES"

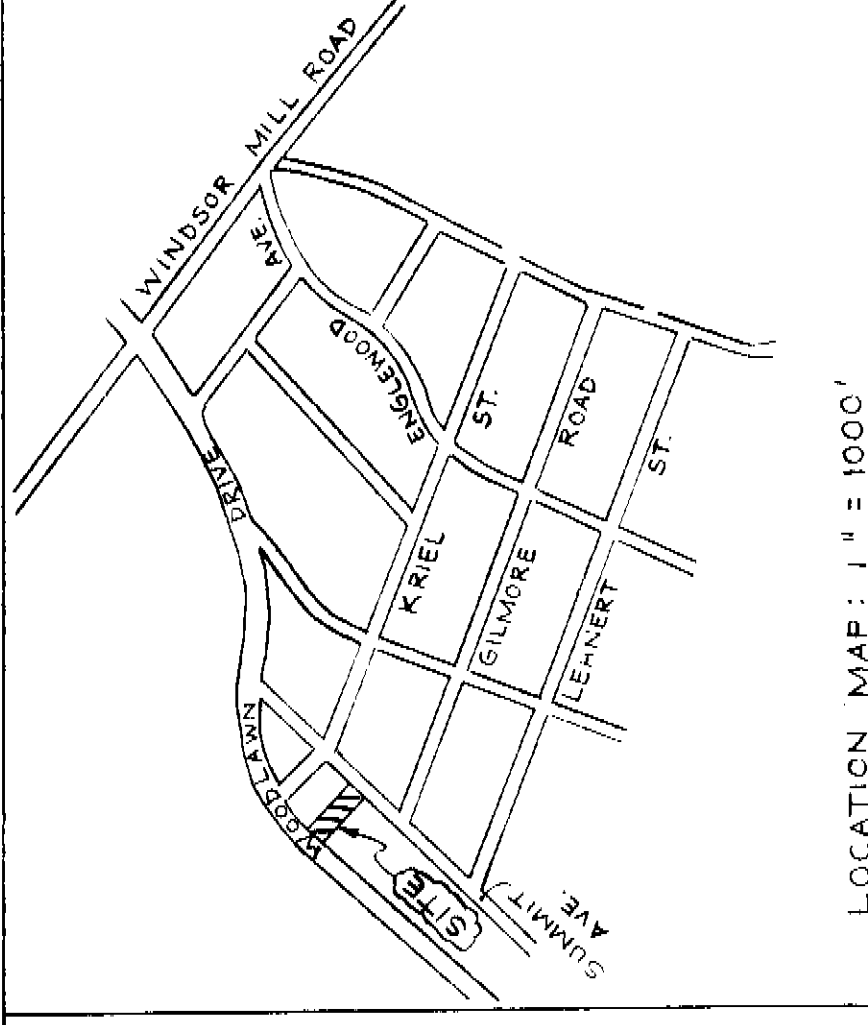
P.B. 5, FOLIO 44 LOT #176

OWNER: DOUGLAS P. & PATTIE LEE SHUMAN
108 KIPLING COURT
ABINGDON, MD. 21009



95-189-SPH

LOCATION MAP: 1" = 1000'

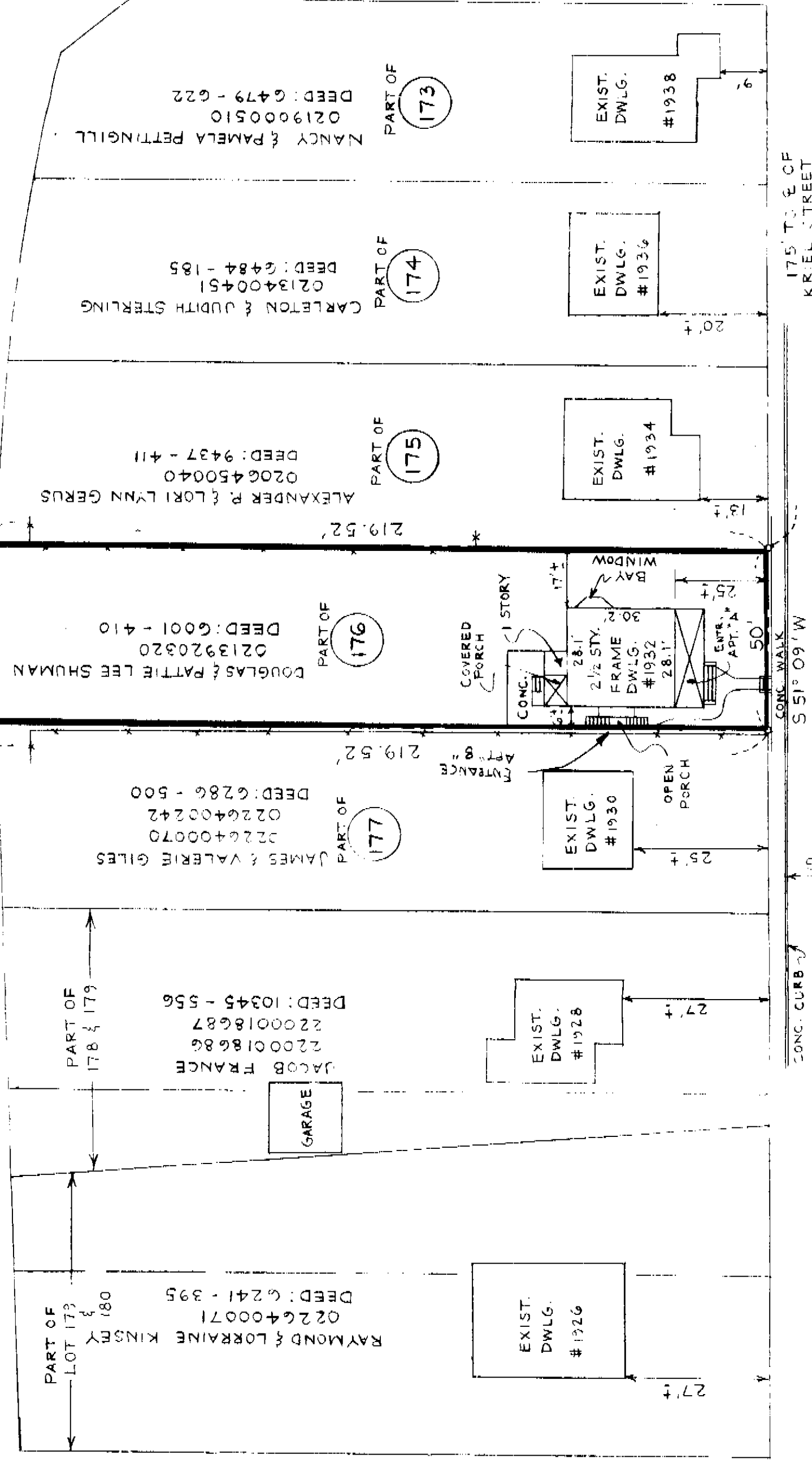


WOODLAWN

(66' R/W)

DRIVE

(SEE H.R.W. G1-042-4)



KRIEL STREET
(50' R/W)

ELECTION DISTRICT : 2
COUNCILMANIC DISTRICT : 2
1" = 200' SCALE MAP# : N.W. 3F
ZONING : D.R. 5.5
NET LOT SIZE : 0.25 19,700

ACREAGE : PUBLIC
SEWER : PUBLIC
WATER : PUBLIC
NOT IN CHESAPEAKE BAY
CRITICAL AREA

PETITIONER'S
EXHIBIT

DEVELOPMENT
ENGINEERS, INC.

200 East Joppa Road
Room 101 Shell Building
Towson, Maryland
(301) 828-9080

SUMMIT

(40' R/W)

AVENUE

SCALE: 1" = 30'

NOVEMBER 15, 1994

ZONING OFFICE USE ONLY

REVIEWED BY: *[Signature]* ITEM # 185 CASE #

#94 - 7587